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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,834	06/15/2001	Brian D. Laughlin	38190/208850	9209
826	7590	10/28/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,834	Applicant(s) LAUGHLIN ET AL.	
	Examiner Lynda Jasmin	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Response received July 27, 2005 has been acknowledged. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruse et al. (2002/0010659), in view of Benda et al. (6,937,992).

Cruse discloses a method for managing an inventory (210) of at least one product of a supplier (125, 135) that is provided to at least one customer (310 of multiple remote sites 110 (1, 2, 3, 4) wherein the at least one customer is capable of receiving and shipping out the at least one product, the method including the steps of: creating an open purchase order comprising an acceptable inventory range bounded by a lower limit and an upper limit for each product that the supplier provides to the at least one customer (via automatic reorders process as for example Min/Max Model ¶ [0092]), storing a supply amount of the at least one product in a storage unit that is remote from the supplier and proximate to the customer (via inventory 210 area near production line 205; or as disclosed in ¶ 0035), maintaining a product inventory count for each product representative of the amount of the product that is maintained in inventory by the at

Art Unit: 3627

least one customer (via product/stock scanned), the maintaining includes: decreasing the product inventory count as the at least one customer ships out the respective product. Cruse further discloses storing the product inventory count in an electronic file (via inventory software 440 e.g. a browser over internet 105). Each product includes at least one electronic identifier (via product parts number and/or bar code), and reading each electronic identifier (via scanner 220) as the customer ships out the respective product and immediately thereafter decreasing the product inventory count by the number of products shipped out as identified by the electronic identifiers; and reading each electronic identifier as the customer receives the respective product from the storage unit and immediately thereafter increasing the product inventory count by the number of products received as identified by the electronic identifiers (see ¶ 0029).

However, Cruse fails to explicitly disclose increasing the product inventory count as the at least one customer receives additional amounts of the respective product, wherein the at least one customer receives the additional amount from the supply amount stored in the storage unit, and monitoring the product inventory count at a supplier location such that the supplier is capable of detecting when product inventory counts approach the respective lower limits, wherein the product inventory count approaches the respective lower limit when the product inventory count falls below a notification level between the lower limit and the upper limit, and wherein the supplier location is remote from the customer location.

Benda et al. discloses the concept of having a vendor managed inventory (VMI) model. Under VMI, the responsibilities of ordering and fulfillment are both assumed by

the manufacturer, who minimizes logistics costs, subject to agreed-upon standards for inventory levels and quality of service. Benda further discloses that additional merchandise could be the result of a bin--packing optimization model that accounts for the three dimensional aspect of the vehicle (pallet layers, pallets, volume, cases, and weight) as well as the differences in the marginal value-added that come from shipping each additional increment of a given product (col. 8, lines 1-15).

Benda et al. further discloses the concept of that the various entities involved may be geographically closely located.

From this teaching of Benda et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention management of Cruse to include the vendor managed inventory taught by Benda et al. in order to facilitate the ordering process and provide better service for customers.


Response to Arguments

4. Applicant's arguments, filed July 27, 2005, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Benda et al. (6,937,992).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

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